UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/399,696	09/21/1999	KEHSING J. CHOU	ST9-99-093	2558

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EXAMINER
PHAM, HUNG Q

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 August 2003</u> .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-21 in the Request for

Reconsideration filed on 08/22/2003 have been considered but are moot in view of the

new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   **Claims 1 are rejected under 35 U.S.C. 112, first paragraph, as failing**

to comply with the written description requirement. The claim(s) contains subject

matter, which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the

time the application was filed, had possession of the claimed invention.

Regarding to claims 1, 6, and 13, the step of *receiving a request for data at a*

federated data source was not described in the specification.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   **Claims 1 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. [USP 6,272,488 B1]. The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.**

Regarding to claims 1, 7 and 13, Chang teaches a computer method and system capable of searching multiple *heterogeneous datastores* with heterogeneous data types by employing an object oriented data model to define a federated query object, a federated collection object and a federated datastore object (Abstract). As shown in FIG. 4, when

a user wants to submit a query, he/she can start by creating a specific datastore object 9 to give him/her access to the query processing functions provided by that datastore 9, which could be DatastoreDL, for supplying a query string and other parameters, or a query object 13 (Col. 8, lines 40-47). As seen, a datastore such as DatastoreDL in FIG. 8 as *a federated data source* or *federated datastore* receives query criteria for searching a particular data in the datastore as *a request for data*. In other words, the Chang technique indicates the step of *receiving a request for data at a federated data source*. As shown in FIG. 5, query objects 13 specific to the type of query language are created using the createQuery( ) method 40 in the datastore 9. This method of creation is to ensure that the created query object 14-19 will have all the necessary information and can always get help from the datastore 9 in processing the query. A query object 14-19 can prepare and execute the query. The execute method 41 may take a queryable collection 5 as an input parameter to limit the scope of the query 14-19 (Col. 8, line 66-Col. 9, line 9). Queryable collection object 5 also includes the "evaluate" method 39 for evaluating the next query, and so on. The subsequent query evaluated by a queryable collection must match or be consistent with the member of the queryable collection. Otherwise, an exception is thrown (Col. 8, lines 47-52). As illustrated, based on the parameters of query string, query type, queryable collection 5 to limit the scope as *a load* of the query object, and evaluate method 39 to evaluate the subsequent query for matching, or being consistent as condition of *satisfaction*, a query object as *a server* within query objects 14-19 is created or *selected* to process the request. The method of creation is to ensure that the created query object 14-19 will have all the necessary

information and can always get help from the datastore 9 in processing the query or *connecting to one or more heterogeneous datastores.* In other words, the technique as discussed indicates the step of *selecting a server to process the request based on a load of the server and based on whether the server can satisfy the request for data, said server connected to one or more heterogeneous datastores.*

Regarding to claims 2, 8 and 14, Chang teaches all the claimed subject matters as discussed in claims 1, 7 and 13, Chang further discloses the step of *forwarding the request to the selected server* (Col. 8, line 66-Col. 9, line 9).

Regarding to claims 3, 9 and 15, Chang teaches all the claimed subject matters as discussed in claims 2, 8 and 14, Chang further discloses the step of *forwarding additional requests for similar data to the selected server* (Col. 8, lines 53-57).

Regarding to claims 4, 10 and 16, Chang teaches all the claimed subject matters as discussed in claims 1, 7 and 13, Chang further discloses *the server is within a server hierarchy* (FIG. 2).

Regarding to claims 5, 11 and 17, Chang teaches all the claimed subject matters as discussed in claims 1, 7 and 13, Chang further discloses *upon receiving a request to add another server, connecting the server to an existing server in the server hierarchy based on a number of connections of the existing server* (Col. 31, lines 9-44).

Regarding to claims 6, 12 and 18, Chang teaches all the claimed subject matters as discussed in claims 1, 7 and 13 Chang further discloses *upon receiving a request to deleted an existing server in the hierarchy, deleting that server* (Col. 7, lines 61-67).

Regarding to claim 19, 20 and 21, Chang teaches all the claimed subject matters as discussed in claim 1, 7 and 13, Chang further discloses *load of server is based on at least the ratio of a current load of the server and a maximum load of the server* (Col. 31, lines 9-44).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KIM Y VU can be reached on 703-305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Examiner Hung Pham
October 10, 2003

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100